



CITY OF PHILADELPHIA

LAW DEPARTMENT
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March 3, 2021

Via Electronic Mail

Chambers of the Hon. Jan E. DuBois
12613 U.S. Courthouse
601 Market St.
Philadelphia, PA 19106
Chambers_of_Judge_Jan_E_Dubois@paed.uscourts.gov

Re: *Grant v. City of Philadelphia, et al.*, Civ. No. 20-735

Dear Judge DuBois:

On or about today's date, Plaintiff filed a letter seeking a conference with the Court regarding a "discovery dispute" and an extension of time to respond to the City's pending Motion to Dismiss in the above-referenced matter. *See* Pl. Letter dated 3/3/21 (Doc. No. 25). The City regrettably writes, once again, to correct a material misstatement in Plaintiff's letter regarding the resolution of an issue that does not require judicial intervention. The City also writes to clarify the nature of the "dispute" at issue.

In the letter, Plaintiff's counsel correctly notes that the agreed upon deadline for the City to respond to Plaintiff's discovery requests was March 2, 2021, and that Defendants' responses are overdue. *See* Pl. Letter.¹ Plaintiff also references email correspondence from the undersigned dated March 1, 2021 about the status of those responses. Plaintiff further states that following his request for an extension of time to respond to the City's pending motion to dismiss, counsel for the City (the undersigned) "never responded." *Id.* Plaintiff now seeks assistance from this Court regarding both his extension request and the status of the City's discovery responses.

First, Plaintiff's statement that the undersigned "never responded" to his extension request is simply not accurate. In the *same* March 1, 2021 email from the undersigned to Plaintiff's counsel that Plaintiff cites in his letter, the City unequivocally agreed to Plaintiff's request for an

¹ At the time Plaintiff filed his letter, Defendants' responses were overdue by 10 hours, 46 minutes. *See* Pl. Letter (Doc. No. 25).

extension of time to respond to the pending Motion. *See* Exhibit A, E-mail correspondence dated March 1, 2021.²

Along the same lines, the City is confused as to why Plaintiff sought judicial intervention less than 12 hours after the passage of the response deadline, without responding to the undersigned's March 1 email or notifying the City of his intention to do so. The brief delay in production is due to the undersigned still waiting for responsive documents, but the City acknowledges that Plaintiff is entitled to responses, is in the process of preparing them, and will respond no later than Friday, March 5, 2021. In the event certain responsive materials remain outstanding at that time, such materials will follow upon receipt.

Please advise if the Court requires any additional information.

Very truly yours,

/s/ Jonathan Cooper
Jonathan Cooper
Deputy City Solicitor
Counsel for Defendants

cc: Vicki Piontek, Esq., counsel for Plaintiff (via email)
Michael Considine, Esq., counsel for Plaintiff (via email)

² This is very similar to the misstatement in Plaintiff's previous letter to the Court, which the City also noted at that time (Doc. No. 18; Doc. No. 20 n. 2).